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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,954	09/30/2003	David W. Nelms	252130 (DSC-14)	5290

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EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,954

Applicant(s)

NELMS ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3112004, 6282004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

1. Receipt is acknowledged of IDS filed on 3/11/2004 and 6/28/2004.
2. Claims 1-28 are presented for examination.
3. This application claims the benefits of 60/415, 587 filed on 10/2/2002.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-6, 8, 10, 17, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Balagion et al. (US 2003/0120609).

Re claims 1, 17: Balagion et al. {hereinafter referred as “Balagion”} discloses method, system and device for remote commercial transactions, which includes an enclosure space {herein interpreted as box-form body 10, as shown in fig. # 1; the examiner broadly interprets the card case as an electronic wallet/purse, card holder system, a portable credit card reader and the like} for storing a credit card 12 (paragraph 16); a processor {herein a microprocessor/CPU 18; as shown in fig. # 2} (paragraph 18); a display 31 (see fig. # 1); a data entry device {herein keyboard 23} (see fig. # 1); and at least one data communication device {herein GPS receiver module 28, interface 29 for GMS transceivers for communication with external devices} (paragraph 16).

Re claim 2: Balagion teaches an apparatus and method, further comprising a pivot pin {herein interpreted as an open end for removing the card from the enclosure; see fig. # 1} in the enclosure space, the credit card in enclosure space being exposed by pivoting the credit card about the pivot pin.

Re claim 3: Balagion discloses an apparatus and method, wherein the processor is microprocessor integrated with read-only-memory {herein ROM 16} (paragraph 16).

Re claims 5-6, 20-21: Balagion teaches an apparatus and method, wherein the data entry device is a navigation button 24-26, keypad 23 (paragraphs 17-20).

Re claim 8: Balagion discloses an apparatus and method, wherein the communication device is an inductive magnetic track generator (paragraph 16).

Re claim 10: Balagion teaches an apparatus and method, wherein the data communication device is a wireless transceiver (page 2, paragraphs 15-16).

Re claim 19: Balagion discloses an apparatus and method, wherein the transaction information is identification information {herein Balagion teaches that the user will be asked to confirm the amount of the transaction by pressing the function key 24} (paragraphs 17-20).

Re claim 22: Balagion teaches an apparatus and method, further comprising entrain a personal identification number {herein Balagion teaches that the device is able to read several cards including ATM card for effecting payments, wherein it is known in the art that the ATM card requires the use of PIN number for conducting a transaction} using the data entry device to allow access to the transaction information (paragraph 17+).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 7, 9, 12-16, 18, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balagion et al. (US 2003/0120609) in view of Gobburu et al. (U.S. 6,736,322).

The teachings of Balagion et al. have been discussed above.

Balagion et al. fails to specifically teach a liquid crystal display, an infrared transmitter/transceiver, and means of displaying bar code on the LCD, wherein the barcode relates to a merchant's loyalty information.

Gobburu et al. teaches method, apparatus for acquiring, maintaining and using information to be communicated in bar code form with a mobile communication device, which includes a liquid crystal display (col.8, lines 5+), an infrared transmitter/transceiver (col.8, lines 28+; col.10, lines 3+), and means of displaying bar code on the LCD (see fig. # 8, 11-12, 22-23), wherein the barcode relates to a merchant's loyalty {herein incentive, coupons and the like} information (col.9, lines 14+; col.18, lines 1+).

In view of Gobburu et al.'s teachings, it would have been obvious to one skilled in the art at the time the invention was made to employ into the teachings of Balagion et al. a liquid crystal display, an infrared transmitter/transceiver, and means of displaying bar code on the LCD, wherein the barcode relates to a merchant's loyalty information so as to provide means of uploading/downloading barcode information onto a customer's portable device. Furthermore, the

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infrared transceivers commonly used in portable devices would facilitate infrared copying of data in a broadcast mode thereby integrated both audio and video data, and such modification would enable visual image of bar code for some promotional product/advertisement, wherein the barcode may be scanned and transferred to the customer's portable device from a remote location to be downloaded at another location. Moreover, such modification would have been an obvious extension as taught by Balagion et al.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Daggar (U.S. 5,748,737) teaches multimedia electronic wallet with generic card.

Pedersen (U.S. 6,707,382) discloses card holder system.

Burchette, Jr. (U.S. 6,991,155) teaches transaction card system having security against unauthorized usage.

Hoornaert et al. (US 2001/0054148) teaches filed programmable smart card terminal and token device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
July 6, 2006



THIEN M. LE
PRIMARY EXAMINER